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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,786	08/15/2001	Ronald E. Sloan	60021-375602	3301
29838 7590 10/31/2007 OPPENHEIMER WOLFF & DONNELLY, LLP PLAZA VII, SUITE 3300 45 SOUTH SEVENTH STREET MINNEAPOLIS, MN 55402-1609			EXAMINER NGUYEN, NGA B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/930,786		SLOAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Nga B. Nguyen		3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/15/05; 9/3/05; 5/1/06; 9/15/06; 12/2/06; 3/23/07</u>                    | 6) <input type="checkbox"/> Other: _____                                    |

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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 12, 2005 has been entered.
2. Claims 1-42 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 1-42 have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-15, 30, 31, and 33-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,601,044, in view of Starr, U.S. Patent No. 6,606,606.

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Regarding to claim 1, Wallman discloses a method for developing a web-based financial portfolio remotely over the Internet comprising:

identifying a current financial portfolio of a user (column 23, line 62-column 24, line 25; the investor selects his desired portfolio based on his various preferences);

identifying a financial model including a user profile based on personal financial parameters of the user including at least a risk tolerance level (column 23, lines 20-40; column 29, lines 10-20 and figure 2; the investor creates new account with the system, the system creates the investor's profile including name, address, payment information, the investor's risk tolerance, financial goals, objectives, the investor's current assets and liabilities, current and expected income, etc.); and

providing to the user over an Internet customized financial coaching tailored to life intentions of the users, wherein the customized financial coaching includes suggestions for changes to the current financial portfolio reflecting the user profile (column 28, lines 10-27, the investor access the system over the Internet; column 24, lines 1-25; column 26, lines 28-35; column 31, lines 30-50; the system suggest for changes to the current financial portfolio to satisfy the investor's preferences), wherein the suggestions are presented in a natural language format (column 38, line 55-column 39, line 35; column 32, lines 40-60) and wherein the suggestions include financial products and recommended securities for user to purchase (column 14, lines 45-57; column 25, lines 23-65; column 26, lines 10-65; column 30, line 32-column 31, line 15; the system recommends the portfolios including a lists of securities for the investor to purchase).

Wallman does not disclose identifying a current financial portfolio of a user in response to a selected service agreement, wherein the selected service agreement is chosen from a plurality of different service agreements providing various service levels related to portfolio modeling and coaching, and identifying a financial model selected from a set of financial model based on the selected service agreement. However, Starr discloses identifying a current financial information of a user in response to a selected service agreement, wherein the selected service agreement is chosen from a plurality of different service agreements providing various service levels related to financial information, and identifying a financial information selected from a set of financial information based on the selected service agreement (column 7, line 5-65; column 8, lines 45-65; an access control process determines, in response to information provided by the subscriber, ***an access level*** to grant to the subscriber, e.g. the payroll person is allowed to employ the payroll service but is prevented from accessing the CMA account for general check writing privileges; the user interface can provide the subscriber with a form that allows the subscriber to enter a customer identifier and a password, the server processes the data to determine whether the subscriber is an authorized user an the level of access to be granted to the subscriber). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to adopt the teaching of Starr above, for the purpose of restricting the user access to a specific financial information based on the level of access in order to enhance security in accessing and processing financial information.

Regarding to claim 2, Wallman discloses wherein the personal financial parameters further include: a user investment style; and a user bull/bear market attitude (column 23, lines 35; column 26, lines 10-15; column 29, line 58-column 30, line 25; the investor's preference).

Regarding to claims 4-5, Wallman does not disclose wherein said user investment style is determined by: displaying to the user a series of test scenarios; and generating said user investment style based on the user responses to these test scenarios and wherein said user bull/bear attitude is determined by: displaying a series of user selected expert opinions; analyzing the user's response to the opinions; and generating said user bull/bear attitude based on the user responses. However, it is well known in the art to determine investment style and bull/bear attitude based on the user responses the series of questions. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to include the feature above for the purpose of providing more efficiency in determining the investor's investment style and bull/bear attitude in order to suggesting and recommending securities for the investor to purchase.

Regarding to claim 6, Wallman discloses filtering a list of securities based on the user profile, wherein filtering the list of securities yields the recommended securities; and presenting the recommended securities to the user for possible security swaps, wherein securities can be added to or removed from the portfolio (column 26, lines 28-35).

Regarding to claim 7, Wallman discloses wherein filtering the list of securities comprises:

obtaining a Value At Risk (VAR) value and a Beta value for each security in the list of securities (figures 5, 13 and column 37, lines 58-66; Differential return relative to S&P 500 56b-56h is VAR, risk relative to S&P 500 55b-55h is beta value);

rejecting securities in the list of securities not complying with the user profile based on the VAR values and the Beta values (column 26, lines 5-10).

Regarding to claim 8, Wallman discloses wherein a risk management model is used to calculate a user VAR value and a user Beta value for the portfolio (column 14, lines 10-18; the risk an differential return calculation process calculates risk and a differential return of the entire investor portfolio relative to standard industry measurements or absolute values).

Regarding to claim 9, Wallman discloses comparing the user VAR value and the user Beta value to a VAR value and a Beta value of various user selected market indices; and displaying the result to the user in a graph (column 26, lines 37-45 and column 32, lines 29-67).

Regarding to claims 10-11, Wallman discloses wherein a compound growth factor is calculated by: using linear regression and natural logarithm and wherein a future performance of the portfolio is projected using the compound growth factor (figure 13, the expected differential in portfolio return is calculated relative to S&P 500).

Regarding to claim 12, Wallman discloses comprising: allowing the user to select at least one security from the filtered list of securities; swapping the selected securities



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with securities in the portfolio; and analyzing and displaying the effect of said swapping on the portfolio (column 26, lines 28-45).

Regarding to claims 13, Wallman does not disclose wherein the filtered list of securities is displayed in a first column and a second column, wherein securities with positive Beta values are displayed in the first column and securities with negative Beta values are displayed in the second column. However, Wallman does disclose filtered list of securities is displayed in a first column and Beta values are displayed in a second column (see figures 5 and 13). Moreover, it is well known in the art to display the securities with positive Beta values in the first column and the securities with negative Beta values in the second column. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to include the feature above for the purpose of helping the investor more easily in selecting securities to purchase.

Regarding to claim 14, Wallman discloses wherein a financial model developer creates an ideal portfolio based on the user profile (column 25, lines 23-30; column 30, line 32-column 31, line 15).

Regarding to claim 15, Wallman discloses wherein the user has access to automated computer coaching and live coaching based on a service level agreement (column 29, lines 37-50; the system determines whether the investor is an accredited investor or a qualified investor; column 35, lines 3-15; the accredited investor can engage in chat room activities).



Claims 30, 31, 33-42 are written in computer software that parallel the limitations found in claims 1, 2, 4-15 above, therefore, are rejected by the same rationale.

6. Claims 3 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,601,044, in view of Starr, U.S. Patent No. 6,606,606, and further in view of Rebane, U.S. Patent No. 6,078,904.

Regarding to claims 3 and 32, Wallman does not disclose wherein said user risk tolerance level is determined by: displaying to the user a series of progressively more negative financial scenarios; analyzing a response to each negative scenario received the user; and generating the risk tolerance level based on the user's responses.

However, Rebane discloses wherein said user risk tolerance level is determined by: displaying to the user a series of progressively more negative financial scenarios; analyzing a response to each negative scenario received the user; and generating the risk tolerance level based on the user's responses (column 17, line 48-column 22, line 45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to adopt the teaching of Rebane for the purpose of providing more efficiency in determining the investor's risk tolerance level in order to suggesting and recommending securities for the investor to purchase.

7. Claims 16, 17, and 19-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,601,044, in view of Starr, U.S. Patent No. 6,606,606, and further in view of Deep, U.S. Patent No. 6,393,412.

Regarding to claim 16, Wallman discloses a system for developing a web-based financial portfolio remotely over the Internet comprising:

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a portfolio generator used to model a current financial portfolio for a user (figure 1; column 23, lines 10-20; column 25, line 65-column 26, line 10; the portfolio selection editor 2);

a user profile generator for generating a user profile based on personal financial parameters of the user, wherein the user profile includes at least a risk tolerance level (figure 1 and column 23, line 10-47; the asset allocation model 1);

a computer coaching server coupled to the Internet (figure 1; column 23, lines 20-20, the web server 3 or figure 6; column 28, lines 10-37, the web server 14), wherein the computer coaching server provides automated financial coaching presented in a natural language format (column 38, line 55-column 39, line 35; column 32, lines 40-60); wherein said computer coaching server recommends changes to the financial portfolio based on the user profile, including providing customized financial coaching tailored to the life intentions of the user and providing suggestions of financial products and recommended securities for the user to purchase (column 25, lines 23-65; column 26, lines 10-65; column 30, line 32-column 31, line 15; the system recommends the portfolios including a lists of securities for the investor to purchase).

Wallman does not discloses identifying a current financial portfolio of a user in response to a selected service agreement, wherein the selected service agreement is chosen from a plurality of different service agreements providing various service levels related to portfolio modeling and coaching, and identifying a financial model selected from a set of financial model based on the selected service agreement. However, Starr discloses identifying a current financial information of a user in response to a selected

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service agreement, wherein the selected service agreement is chosen from a plurality of different service agreements providing various service levels related to financial information, and identifying a financial information selected from a set of financial information based on the selected service agreement (column 7, line 5-65; column 8, lines 45-65; an access control process determines, in response to information provided by the subscriber, **an access level** to grant to the subscriber, e.g. the payroll person is allowed to employ the payroll service but is prevented from accessing the CMA account for general check writing privileges; the user interface can provide the subscriber with a form that allows the subscriber to enter a customer identifier and a password, the server processes the data to determine whether the subscriber is an authorized user an the level of access to be granted to the subscriber). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to adopt the teaching of Starr above, for the purpose of restricting the user access to a specific financial information based on the level of access in order to enhance security in accessing and processing financial information.

Moreover, Wallman does not disclose a live financial advisor server coupled to the Internet recommends changes to the financial portfolio based on the user profile, including providing customized financial coaching tailored to the life intentions of the user and providing suggestions of financial products and recommended securities for the user to purchase. However, Deep discloses a live financial advisor server coupled to the Internet recommends changes to the financial portfolio based on the user profile, including providing customized financial coaching tailored to the life intentions of the

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user and providing suggestions of financial products and recommended securities for the user to purchase (column 3, lines 17-30 and column 5, line 28-column 6, line 5; the user and the financial advisor can communicate via a chat room over the Internet, the advisor recommends changes to the financial portfolio based on the user profile, recommends the securities to sell or purchase). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's to adopt the teaching of Deep for the purpose of allowing the investor to communicate directly with a live financial advisor, thus the investor can get the recommended securities to purchase directly from a live financial advisor.

Claims 17, 19-29 contain similar limitations found in claims 2, 4-15 above, therefore are rejected by the same rationale.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallman, U.S. Patent No. 6,601,044, in view of Starr, U.S. Patent No. 6,606,606, in view of Deep, U.S. Patent No. 6,393,412, further in view of Rebane, U.S. Patent No. 6,078,904.

Regarding to claim 18, Wallman, Starr and Deep do not disclose wherein said user risk tolerance level is determined by: displaying to the user a series of progressively more negative financial scenarios; analyzing a response to each negative scenario received the user; and generating the risk tolerance level based on the user's responses. However, Rebane discloses wherein said user risk tolerance level is determined by: displaying to the user a series of progressively more negative financial scenarios; analyzing a response to each negative scenario received the user; and

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generating the risk tolerance level based on the user's responses (column 17, line 48-column 22, line 45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wallman's modified by Deep above to adopt the teaching of Rebane for the purpose of providing more efficiency in determining the investor's risk tolerance level in order to suggesting and recommending securities for the investor to purchase.

### ***Conclusion***

9. Claims 1-42 are rejected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

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Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label  
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany  
Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN  
PRIMARY EXAMINER

October 15, 2007